

REMARKS

Claims 1, 3-7, 9, and 10 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, no claims are amended, cancelled or withdrawn.

Rejection Under 35 U.S.C. § 103

In paragraph 2 of the Office Action, claims 1, 3-7, 9, and 10 stand rejected as unpatentable under 35 U.S.C. § 103(a) over U.S. patent 6,603,818 ("Dress"). Applicant respectfully traverses this rejection.

The Examiner admits that "Dress does not explicitly teach wherein the repetition frequencies are different repetition frequencies," thus admitting that Dress fails to teach all of the elements found in independent claims 1 and 6. The Examiner then states:

"At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement having different repetition frequencies at the output of the at least one slot allocation unit (1004 in Fig. 10). Applicant has not disclosed that having the different repetition frequencies provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a stable frequency because it provides stable timing signals, as taught by Dress (note col. 8, lines 57-64). Furthermore, one skilled in the art would have expected to provide a different repetition frequencies [sic] by the programmable delay element (1005 being programmable) to provide different frequencies as the at least one slot allocation unit (1004 in FIG. 10) implements different modulation schemes, one skilled in the art would be motivated to provide different frequency requirements depending on the modulation schemes, such as AM, FM, PM, BPSK, FSK, MSK, QPSK, OQPSK, MPSK, MFSK, ASK, and OOK, as taught by Dress (note col. 9, lines 17-46). Therefore, it would have been obvious to one of ordinary skill in this art to modify the stable, single frequency with different repetition frequencies to obtain the invention as specified in claim [sic]." (emphasis added)

The above comments raise several issues, which will now be addressed in turn:

First, regarding the Examiner's statement that "Applicant has not disclosed that having the different repetition frequencies provides an advantage, is used for a particular purpose or solves a stated problem," Applicant directs the Examiner to page 35, lines 12-14 of the originally-filed specification, which reads: "The pulse repetition frequencies employed may depend on the devices particular bandwidth demands, noise constraints, or signal reflection." For example, regarding bandwidth demands, starting on page 8, line 20, the originally-filed specification reads: "The present invention provides a system and method capable of supporting devices with vastly different bandwidth requirements. . ." And page 23, lines 10-13, of the originally-filed specification reads: "The pulse repetition frequency module 72 performs the function of varying the pulse repetition frequencies and the corresponding bit rate for communications. The bit rate is varied depending on the environmental and network demands." A reading of Applicant's originally-filed specification will reveal other advantages, particular purposes and problems solved by employing different pulse repetition frequencies.

The above purposes and advantages of employing different pulse repetition frequencies also provide ample support to rebut the Examiner's assertion that "One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a stable frequency because it provides stable timing signals, as taught by Dress (note col. 8, lines 57-64)." In fact, Applicant's originally-filed specification, and claims recite "different pulse repetition frequencies" and its performance advantages, and thus this comment is completely irrelevant, as Applicant is not claiming "a stable frequency that provides stable timing signals."

The Examiner's last comment states:

Furthermore, one skilled in the art would have expected to provide a different repetition frequencies [sic] by the programmable delay element (1005

being programmable) to provide different frequencies as the at least one slot allocation unit (1004 in FIG. 10) implements different modulation schemes, one skilled in the art would be motivated to provide different frequency requirements depending on the modulation schemes, such as AM, FM, PM, BPSK, FSK, MSK, QPSK, OQPSK, MPSK, MFSK, ASK, and OOK, as taught by Dress (note col. 9, lines 17-46). Therefore, it would have been obvious to one of ordinary skill in this art to modify the stable, single frequency with different repetition frequencies to obtain the invention as specified in claim [*sic*]."

As discussed in Applicant's 4 May 2006 Response, Dress' teaching of sending a periodic signal through a number of periodic delays **does not and cannot change the pulse repetition frequency of any of the signals**. The programmable delays provide just that, **delayed** versions of the signals. The programmable delay elements (1005) are **incapable of providing different pulse repetition frequencies**, irregardless of the Examiner's hindsight-based statements.

Put clearly, Dress does not teach or suggest providing different pulse repetition frequencies. The Examiner states that "one skilled in the art would be motivated to provide different frequency requirements depending on the modulation schemes." Applicant is not claiming "different frequency requirements" but is claiming "different pulse repetition frequencies."

Moreover, Dress, being intimate with his invention, would have mentioned using different pulse repetition frequencies, if they were so desirable and obvious. However, Dress completely fails to teach or suggest different pulse repetition frequencies.

More importantly, a reading of M.P.E.P. § 2143.03 reveals that "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In this case, the Examiner's own statements are used to provide the teachings missing in the cited art, Dress. Should the Examiner possess personal knowledge concerning the intrinsic obviousness of these missing teachings, Applicant requests that the Examiner support the data with an affidavit. See 37 CFR 1.104(d)(2), which states:

"When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data should be as specific as possible and the reference must be supported, when called for by the applicant, by the affidavit of such employee. . ."

Applicant respectfully requests such an affidavit from the Examiner, as the Examiner is relying on his own statements to provide the teachings missing in Dress, contrary to the rule against such a course of action as mandated in M.P.E.P. § 2143.03.

Therefore, Applicant respectfully requests the Examiner reconsider and withdrawal this rejection. In view of the above discussion, Applicant respectfully submits that the Section 103 rejection of claims 1, 3-7, 9, and 10 has been traversed.

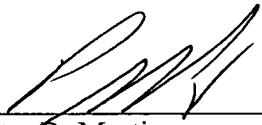
Conclusion

Applicant believes that this Response has addressed all items in the Final Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1, 3-7 and 9-10 at an early date is solicited. The Commissioner is authorized to charge the fee for a two-month extension of time for a small entity to our Deposit Account No. 50-3143, in the name of Pulse-Link, Inc. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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